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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,195	07/08/2003	Michael Zimmerman	0007	9667
43699	7590	08/09/2007		
GO DADDY GROUP, INC. 14455 NORTH HAYDEN ROAD SUITE 219 SCOTTSDALE, AZ 85260			EXAMINER SALL, EL HADJI MALICK	
			ART UNIT 2157	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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## Office Action Summary

Application No.

10/616,195

Applicant(s)

ZIMMERMAN ET AL.

Examiner

El Hadji M. Sall

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to the application filed on May 3, 2007. Claims 1-20 are pending. Claims 1-20 represent turnkey reseller program for registering domain names.

2. ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-10 are still rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant discloses "a reseller program **utilizing a computer network** for allowing a plurality of Customers to register one or more domain names via a Registrar...". For the claimed invention to be statutory, it has to be embedded in computer readable medium. Appropriate correction is required.

For purpose of prior art rejection, Examiner will construe claim 1-10 as "a reseller program embodied in a machine readable medium for allowing a plurality of Customers to register one or more domain names via a Registrar ....".

**3. *Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayles U.S. 7,039,697 in view of Vaidyanathan et al. U.S. 20020138291 (referred to hereafter as Vaid).

Vaid teaches the invention substantially as claimed including registry-integrated Internet domain name acquisition system (see abstract).

As to claims 1, 6, 11 and 16, Bayles teaches a reseller program embodied in a machine readable medium and a process for allowing a plurality of Customers to

register one or more domain names via a Registrar, comprising:

A) means for accepting a plurality of Resellers into a reseller program (column 6, lines 26-28);

B) means for creating a registrar web site for registering domain names with an appropriate Registry (figure 2);

C) means for allowing a plurality of Customers to register one or more domain names via the registrar web site, wherein at least one of the plurality of Customers was guided to the registrar web site from actions by one of the plurality of Resellers (column 6, lines 26-28; column 5, lines 29-46);

D) means for collecting a fee from each Customer that registers a domain name (column 6, lines 32-33).

Bayles fails to teach explicitly E) means for compensating each Reseller that guided a Customer to the registrar web site that registered a domain name.

However, Vaid teaches digital file marketplace. Vaid teaches means for compensating each Reseller that guided a Customer to the registrar web site that registered a domain name (figure 2; page 2, [0019]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bayles in view of Vaid to provide means for compensating each Reseller that guided a Customer to the registrar web site that registered a domain name. One would be motivated to do so to allow maintaining the third party website.

As to claims 2, 7, 12 and 17, Bayles teaches the reseller program and the process of claims 1, 6, 11 and 16, wherein the registrar web site has the ability to accept domain names from the Customers, accept information regarding the Customers, check on availability of the domain names, collect a fee from the Customers, register available domain names for the Customers (column 6, lines 26-33; figure 2).

Bayles fails to teach explicitly compensating the plurality of Resellers based on the actions of the Customers.

However, Bail teaches compensating the plurality of Resellers based on the actions of the Customers (figure 2; page 2, [0019]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bayles in view of Vaid to provide compensating the plurality of Resellers based on the actions of the Customers. One would be motivated to do so to allow maintaining the third party website.

As to claims 3 and 14, Bayles teaches the reseller program of claims 1 and 11, wherein the actions by one of the plurality of Resellers include advertisement (column 3, lines 38-40).

As to claims 4, 9, 13 and 19, Bayles teaches the reseller program and the process of claims 1, 6, 11 and 18, further including means to register domain names via a proxy service, wherein proxy contact information is made publicly available while the

Customer receives legal rights in the domain name (column 5, lines 32-36).

As to claims 5 and 15, Bayles teaches the reseller program of claim 1, wherein the actions by one of the plurality of Resellers include creating a link to the registrar web site from another web site (figure 1; column 5, lines 37-46).

As to claims 8 and 18, Bayles teaches the reseller program of claims 6 and 14.

Bayles fails to teach explicitly the administration web site offers the option to the resellers to receive electronic payments from the registrar based on activities of the resellers' customers.

However, Vaid teaches the administration web site offers the option to the resellers to receive electronic payments from the registrar based on activities of the resellers' customers (page 2, [0019]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bayles in view of Vaid to provide the administration web site offering the option to the resellers to receive electronic payments from the registrar based on activities of the resellers' customers. One would be motivated to do so to allow paperless transaction.

As to claims 10 and 20, Bayles teaches the reseller program of claims 6 and 20.

Bayles fails to teach explicitly wherein the administration web site offers the option to the Reseller to display a report showing commission payments during selected

time periods.

However, Vaid teaches the administration web site offers the option to the Reseller to display a report showing commission payments during selected time periods (page 1, [0009]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Bayles in view of Vaid to provide the administration web site offers the option to the Reseller to display a report showing commission payments during selected time periods. One would be motivated to do so to allow efficient tracking of a reseller commission.

## **5. *Response to Arguments***

Applicant's arguments filed 05/03/07 have been fully considered but they are not persuasive.

(A) Applicants argue that Bayles does not teach a customer being guided to a registrar web site from actions by a reseller.

In regards to the point (A), Examiner respectfully disagrees.

Column 5, lines 29-46, Bayles discloses any and all domain name retailers, such as existing registrars, can participate much more simply in providing monitor and acquire domain name services. The retailer can still offer such services to its



customers under the new model, generally through its Web site (i.e. "customers being guided to a registrar web site from actions by a reseller")...

(B) Applicant argues that Vaid does not teach means for compensating each reseller that guided a customer to the registrar web site that registered a domain name.

In regards to the point (A), Examiner respectfully disagrees.

In paragraph [0019], Vaid discloses ... The marketplace 10 generates revenue by charging the content owners 14 transaction fees. Thus, when the consumer 16 downloads a file 12, the consumer 16 is charged the retail price set by the owner. The transaction fee charged by the marketplace and any reseller commission is then subtracted from the retail price collected from the consumer 16....

However, Vaid teaches digital file marketplace. Vaid teaches means for compensating each Reseller that guided a Customer to the registrar web site that registered a domain name (figure 2; page 2, [0019]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bayles in view of Vaid to provide means for compensating each Reseller that guided a Customer to the registrar web site that registered a domain name. One would be motivated to do so to allow maintaining the third party website.

(C) Applicants argue that Bayles and Vaid do not teach an administration web site adapted for allowing resellers to enter the reseller program, and for allowing each reseller to customize the registrar web site for their customers.

In regards to the point (C), Examiner respectfully disagrees.

Column 5, lines 29-46, Bayles discloses any and all domain name retailers, such as existing registrars, can participate much more simply in providing monitor and acquire domain name services. The retailer can still offer such services to its customers under the new model, generally through its Web site (i.e. inherently, "an administration web site adapted for allowing resellers (i.e. retailers) to enter the reseller program, and each reseller to customize the registrar web site for their customers)...

## **6. Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

El Hadji Sall

Patent Examiner

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